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COMMUNICATIONS LAW II

MATERIALS - 1983

Compiled By

Hudson Janisch, Professor

Richard Austin, Class of 1983

Volume 1

These materials have been compiled exclusively for teaching purposes at the Faculty of Law, University of Toronto and are not intended for publication

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INTRODUCTION

Communications Law II

1983

> Karl Marx held that history is shaped by control of the means of production; in our times history is shaped by control of the means of production; in our times history is shaped by control of the means of communication.

Arthur Schelsinger,
in T. White, America in
Search of Itself (1982)

> It is arguably more revealing to use communication systems than production techniques as the boundary marks of history.

Anthony Smith,
Goodbye Gutenberg (1980)

> ET phone home!

Reaching out after watching
AT&T long distance commercials

1. Nature of Telecommunications

Not so long ago there was little more to telecommunications than POTS: Plain Old Telephone Service. However, the day of the black rotary dial phone is no more. Since World War II there has been an explosion in telecommunications technology in which it has converged with the technology of data processing to revolutionize our lives. The confluence of microchip and telecommunications technology will yet further accelerate the rate of change.

No longer does the word telecommunications suffice. New terms have had to be coined to describe this convergence of computers and telecommunications such as "compunications" and "telematics". New phrases have entered common speech such as the Microelectronics Revolution, the Information Revolution and the Post-Industrial Age. Some of the sense of urgency with which this changing world is viewed may be seen in the following excerpts from contemporary assessments.

> This increasing interconnection between computers and telecommunications — which we will term "telematics"[1] — opens radically new horizons. Means of communication have certainly not been structuring communities only in our own day. Roads, railways, and electricity are so many stages along the way from the family to local, national, and multinational organization.
>
> Unlike electricity, "telematics" will not transmit an inert current, but will convey information, i.e., power. The telephone line or the television channel are the building blocks for this change. Today, they are combined into polyvalent transmitters and are starting to link computers and data banks. Satellites will soon provide them with a potent tool. Telematics will not only be an additional network but a different one as well, blending pictures, sounds, and memories and transforming the pattern of our culture.
>
> In varying degrees, telematics will affect all of the long- and short-term aspects of the French crisis. It will affect the economic balance, modify power relationships, and increase the stakes of sovereignty.
>
> If the government can perceive and correct in time the imbalances that computerization can aggravate, and the restrictions and constraints it may generate, it may realize the necessary changes within the next ten years without setting off the "inflexibility/explosion" sequence familiar to our country. These stakes are vital, but they are limited as well. Even if these policies meet with reasonable success, their only merit will be to set the stage for the real upheaval of civilization for which the computer revolution may be responsible over the long term.

Nora, Simon and Minc, Alain
The Computerization of Society,
Cambridge: MIT Press, 1981

We have come to the conclusion that telecommunications, taken in the broadest sense, will form the infrastructure of the new industrial society that is now coming into being around the world. No single person can totally understand this new society — it is difficult to comprehend the course of a battle when you are one soldier fighting in the midst of it — but it is not too much to say that its birth is an event equal in importance to the Industrial Revolution of the 19th century. What is happening now in telecommunications will set the terms of life in the 21st century just as surely as what happened in 19th century industrialism set the terms of life for the 20th century. And Canadians of this generation, as we confront the challenge of telecommunications, are preparing the framework for the national life of Canada in the 21st century — just as Canadians of the 1870s and 1880s determined the shape of 20th century Canada by building our national railroad.

In approaching telecommunications we should realize that its importance demands we view it in a special way. Telecommunications, as the foundation of the future society, cannot always be left to the vagaries of the market; principles that we might care to assert in other fields, such as totally free competition, may not be applicable in this crucial sphere. We must look at it freshly, without preconceived ideas.

Telecommunications and Canada
(Report of the Clyne Committee),
Ottawa: Supply and Services,
1981, pp.1-2

Fortunes will be lost; fortunes will be made. Many an old institution will go under; many a new one will spring up. Authors will drift back into anonymity; librarians will gain vast new powers and respect; teachers will understand at last what drove the Luddites and some of them will teach themselves how to destroy cable-lines. We will all learn to be TV producers just as we once all learned how to write. Pollsters will do serious battle with parliamentarians and the staunch, free-enterprise newspaper owners who fail to adapt or merge will suddenly learn, as their profits disappear, why artists, musicians and book publishers love and loathe the Canada Council. The great corporate battles and mergers of the decade will be among telephone companies, cable companies, publishers, data processors and advertising agencies. Communications lawyers will become rich as the regulations are constantly rewritten and revised. Like the 16th century, it will be an age of magic and an age of litigation, power struggles and sudden reversals of fortune.

Godfrey and Parkhill, Gutenberg 2: The
New Electronics and Social Change
Toronto, 1979, p.2

Not all the commentators present such rosy pictures (for Communications lawyers at least) of the future. They are uncertain of the shape of Canadian life in the decades to come. However all agree we are in the midst of a profound transition that will touch every aspect of modern life. Old industries and old ways of doing things are falling by the wayside. Consider, as only one example, the demise of the Swiss watchmaking industry.

Clearly this period of transition requires that we come to grips with a powerful technology. In turn, this demands comprehensive approaches to policy in order to grapple effectively with widespread change.

The role of lawyers in this world will be to take a broad knowledge that encompasses economics, technology, and politics and apply to this the techniques of legal analysis and legal reasoning. It is an immense challenge - and an immense opportunity.

2. Nature of the Course

The focus will be on government regulation of the telecommunications industry in Canada. "Communications law" is of wider ambit and raises issues that might easily be considered to belong to the fields of contracts or torts. These private law issues will not be dealt with directly in this course although students may choose, if they wish, to write papers in the area.

There will be weekly seminar meetings at which the reading materials compiled for the course will be discussed. Each student, in addition to attending and participating at the seminars, will be expected to undertake a research project. It is possible that this could be a joint undertaking.

3. Substantial Research Paper

As a major paper course, a research paper of 25-40 typed pages is required. A list of possible topics will be provided. This list is not meant to be exhaustive but should help students get started on a manageable topic reasonably early.

The paper is due on May 13, 1983, the last day of the examinations.

It must be carefully typed, fully documented and footnoted and be reasonably free of typographical errors as well as those of syntax, grammar and spelling.

4. Law and Economics Workshop

Ken Wyman, Executive Director of the Canadian Radio-television and Telecommunications Commission will be delivering a paper to the Law and Economics Workship on February 16, 1983. The topic is: Competitive Rationale for Deregulation in the Telecommunications Industry.

5. The Syracuse Connection

In November, 1982, a group of our students from Communications Law I visited Syracuse University and a reciprocal visit is planned for this term. It will involve a current issue in telecommunications regulation.

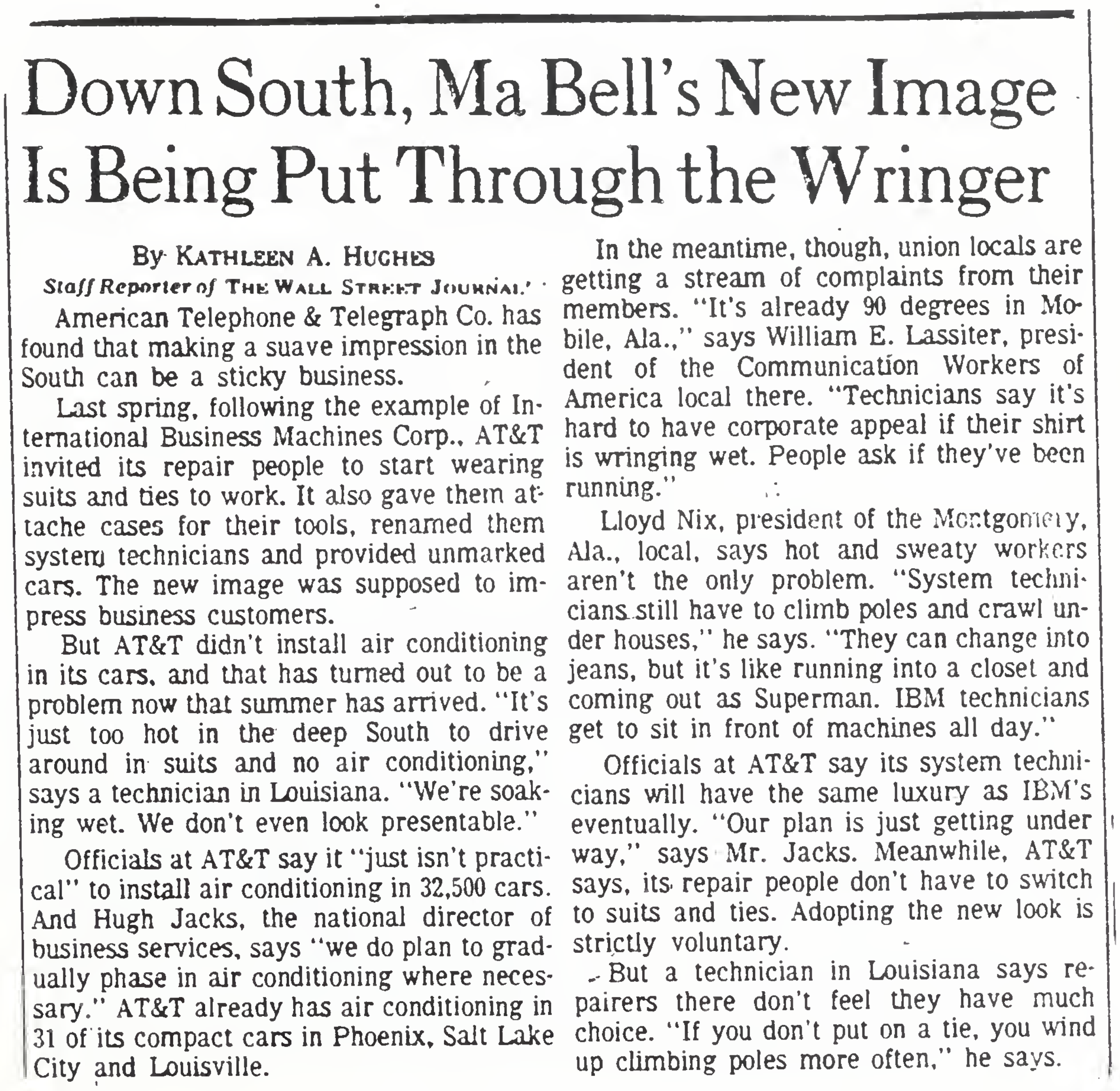
6. Width of Approach

Students will be expected to acquire a detailed knowledge of specifically legal materials. These include both federal and provincial statutes, regulations, the rules of procedure of both federal and provincial regulatory agencies and some of the cases where telecommunications regulatory matters have reached the courts.

As well, students must be prepared to enter the less structured and familiar world of policy. This will be most obvious with respect to the formal policies developed by the Commission dealing with matters such as terminal attachment and quality of service. But beyond this lies much of regulation and the challenge for the lawyer is to be flexible and perceptive enough to operate effectively in this uncharted territory.

On the ever shifting frontier of law and policy the lawyer needs both imagination and an expansive view of the range of sources appropriate for the effective representation of clients. Early indications of developing policy (or lack thereof) are to be found in trade journals, ministerial speeches, newspapers and magazines as well as the confidences of government and industry officials.

Consider the following small newspaper item.



Down South, Ma Bell's New Image Is Being Put Through the Wringer

By KATHLEEN A. HUGHES
Staff Reporter of THE WALL STREET JOURNAL

American Telephone & Telegraph Co. has found that making a suave impression in the South can be a sticky business.

Last spring, following the example of International Business Machines Corp., AT&T invited its repair people to start wearing suits and ties to work. It also gave them attache cases for their tools, renamed them system technicians and provided unmarked cars. The new image was supposed to impress business customers.

But AT&T didn't install air conditioning in its cars, and that has turned out to be a problem now that summer has arrived. "It's just too hot in the deep South to drive around in suits and no air conditioning," says a technician in Louisiana. "We're soaking wet. We don't even look presentable."

Officials at AT&T say it "just isn't practical" to install air conditioning in 32,500 cars. And Hugh Jacks, the national director of business services, says "we do plan to gradually phase in air conditioning where necessary." AT&T already has air conditioning in 31 of its compact cars in Phoenix, Salt Lake City and Louisville.

In the meantime, though, union locals are getting a stream of complaints from their members. "It's already 90 degrees in Mobile, Ala.," says William E. Lassiter, president of the Communication Workers of America local there. "Technicians say it's hard to have corporate appeal if their shirt is wringing wet. People ask if they've been running."

Lloyd Nix, president of the Montgomery, Ala., local, says hot and sweaty workers aren't the only problem. "System technicians still have to climb poles and crawl under houses," he says. "They can change into jeans, but it's like running into a closet and coming out as Superman. IBM technicians get to sit in front of machines all day."

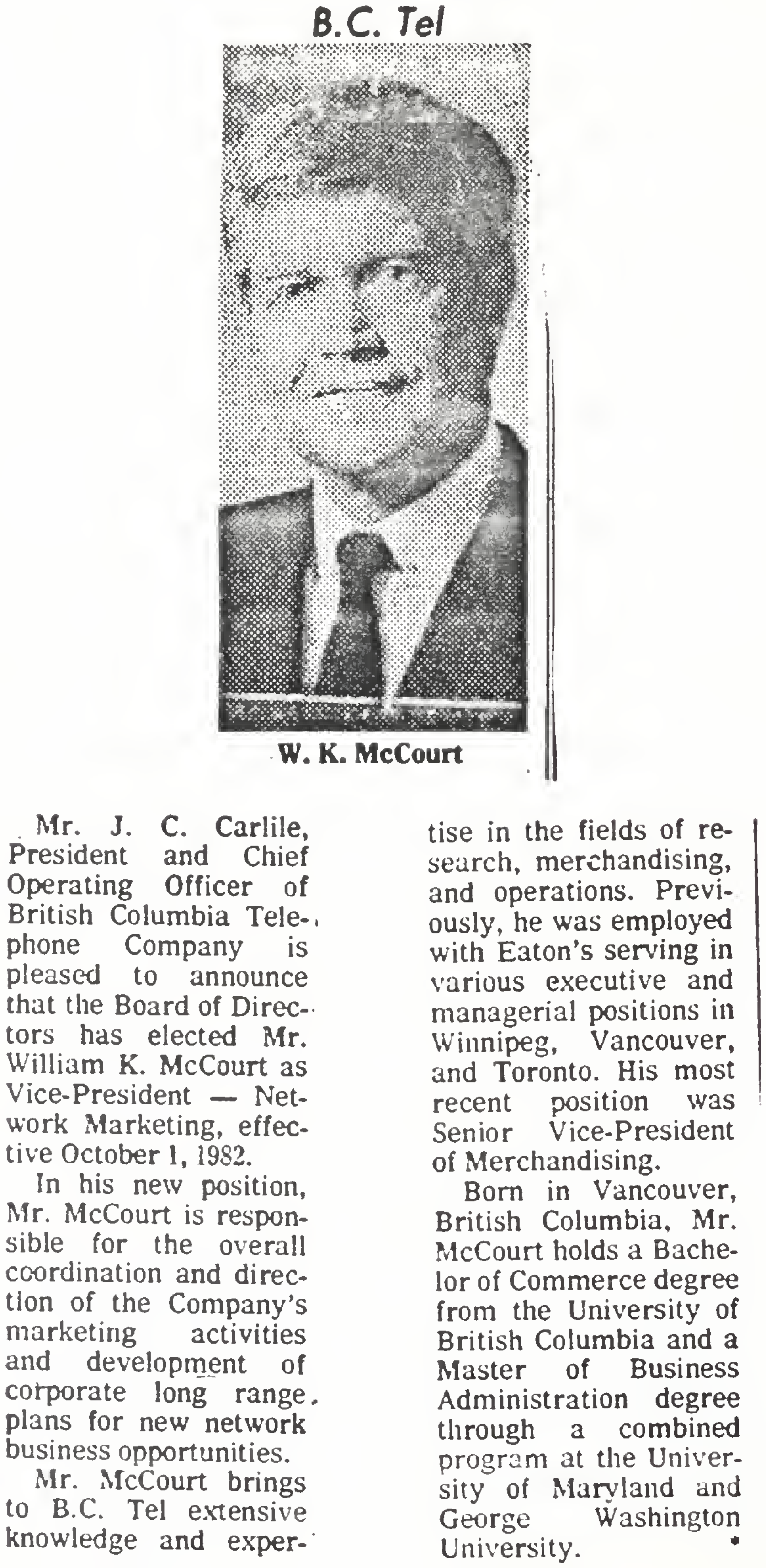
Officials at AT&T say its system technicians will have the same luxury as IBM's eventually. "Our plan is just getting under way," says Mr. Jacks. Meanwhile, AT&T says, its repair people don't have to switch to suits and ties. Adopting the new look is strictly voluntary.

But a technician in Louisiana says repairers there don't feel they have much choice. "If you don't put on a tie, you wind up climbing poles more often," he says.

Wall Street Journal, 29 June 1982

The surface humour cannot hide the signs of dramatic developments in the American telecommunications and data processing industries. Why is the world's largest corporation concerned about its image? And why such sudden concern? Why is AT&T attempting to compete with IBM? Does the fact that the image was designed to impress business people tell you anything about the sector of the market in which AT&T is gearing up to compete? But will the competition be in the field of telecommunications, or in data processing, or will it be in some possibly as yet undiscovered hybrid? What is the significance of the fact that soon AT&T's "system technicians" will have the same appearance as IBM's? Who will climb the poles and crawl under the houses? And finally, is the success that greeted this initial foray into the competitive world an indication of things to come. What does this tell you about the frame of mind that exists at AT&T?

Globe & Mail, October 25, 1982



B.C. Tel

W. K. McCourt

Mr. J. C. Carlile, President and Chief Operating Officer of British Columbia Telephone Company is pleased to announce that the Board of Directors has elected Mr. William K. McCourt as Vice-President — Network Marketing, effective October 1, 1982.

In his new position, Mr. McCourt is responsible for the overall coordination and direction of the Company's marketing activities and development of corporate long range plans for new network business opportunities.

Mr. McCourt brings to B.C. Tel extensive knowledge and expertise in the fields of research, merchandising, and operations. Previously, he was employed with Eaton's serving in various executive and managerial positions in Winnipeg, Vancouver, and Toronto. His most recent position was Senior Vice-President of Merchandising.

Born in Vancouver, British Columbia, Mr. McCourt holds a Bachelor of Commerce degree from the University of British Columbia and a Master of Business Administration degree through a combined program at the University of Maryland and George Washington University.

Much can be seen of the dramatic changes going on in the telecommunications industry from this announcement.

For a company which has always seen itself as providing tariffed services, the whole notion of "marketing" is novel, let alone a Vice-President Network Marketing. And then note where he came from - merchandising at Eatons! At least AT&T hired away people from IBM. *Sic transit gloria mundi*

Few newspaper items will give a clear and definitive indication of a policy shift. But they do have great cumulative value as straws in the wind and act as a vital early warning system of regulatory, industrial and technological change.

7. How to Find what you Need; A Bibliography of Sources

The paper topics will permit students to explore emerging issues in the field of telecommunications law and policy. This emphasis on current developments implies that students are not expected to write a legal memorandum to a putative senior partner on a narrowly defined legal issue. Perhaps the best guide to the expectations of the papers can be found in a cursory examination of the sources selected for the course's reading materials. In addition to articles by lawyers there are items by business people, technicians, economists and politicians. The lawyer's contribution must be to apply his ability to recognize legal issues and his knowledge of the law to this broad and changing field.

Hence the papers are expected to analyze legal issues, but in a broader policy context. The challenge for students will be to merge the "communications" and the "law" aspects into a Communications law paper.

Given the different sort of papers that are expected, it is not surprising that a very different sort of research is required from first year legal writing assignments. Some of the sources of information that students may wish to explore are outlined below. It is suggested that students begin their research investigating those items mentioned under "Additional Sources". Having achieved the necessary broader understanding of their topic, they should then return to the Law Library and the *Railway Act*.

A final word of caution is in order. The paper topics will emphasize current developments. As the Sunday supplements, the government reports, and the futurists never tire of stating, communications is an exploding field. At times the only constant appears to be the accelerating pace of change. However, students are cautioned against being completely seduced by "futurism". Beneath both the more and the less pleasing future scenarios are stolid legal issues where the touchstone must be the *Railway Act* and the *National Transportation Act*. And however imminent the technological revolution may be, it remains only imminent. For most of the past seventy years, both the regulators and the regulated have been responding to a constant set of signals. It is not to be expected that their influence on the future development of the industry will disappear over night.

A. Traditional Legal Sources

1) Decisions of Regulatory Agencies

The decisions of the Canadian Radio-television and Telecommunications Commission are available, if not easily accessible, in the Law Library. Decisions may be found in the Canada Gazette I, or in pamphlet or loose leaf form in the stacks. Earlier decisions may be found in annual bound volumes. A reference in other materials to e.g. 3 C.R.T. 241 indicates the page number in the annual bound volumes of CRTC decisions or policy statements where the decision may be found. While not all of these bound volumes are available in the library, all CRTC decisions on telecommunications matters are available in the stacks in one form or another.

Further, the Canadian Regulatory Report (C.R.R.), a loose leaf reporting service, provides a summary of the most recent decisions of the CRTC, and the more important decisions of the provincial regulatory bodies.

The CRTC also publishes monthly the "Pink Peril", the Telecommunications Bulletin. This publication provides a summary of all public notices, decisions and orders of the CRTC issued during that month. To add your name to the free mailing list, write to:

Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario
K1A 0N2

The decisions of the American counterpart to the CRTC, the Federal Communications Commissions are reported in the FCC Reports (FCC 2d). These can be found on the second floor of the library.

There is no system of indexing of the CRTC decisions. However Professor Janisch has compiled a personal subject index of CRTC decisions, updated to 1978. Consult, as well, "How to Find Regulatory and Judicial Decisions in the Communications Field" in, Grant, Peter S., Communications and Public Policy in Canada (Preliminary Edition), Toronto, 1979.

2) Court Decisions

Although telecommunications matters are normally dealt with by the CRTC or its provincial counterparts, students should not ignore the emerging body of case law. An appeal to the courts has joined the arsenal of weapons available to dissatisfied participants in the regulatory process, and several major issues have recently been resolved, not before the individual tribunals but in Courts of Appeal. These judgments can be located through the normal techniques of legal research.

Decisions in cabinet appeals are normally dealt with through Orders in Council, not all of which can be found in the Canada Gazette. Locating a particular Order in Council may demand an imaginative approach e.g. contacting the Constituency Assistant of your local Member of Parliament.

3) Secondary Sources

Students should not hesitate to consult the Index to Legal Periodicals, Index to Canadian Legal Periodical Literature, Index to Periodical Articles Related to Law, or the Legal Resources Index (available on Microfilm in the Library).

Note three journals that deal specifically with Communications: the Federal Communications Law Journal (American), Canadian Communications Law Review (available only to 1974), and Comm/ent (a journal of communications and entertainment law).

Further, the University of Ottawa Law Review has recently inaugerated an annual survey of Communications Law. The first survey, being written by Gregory Kane is scheduled to be published in the fall.of 1982.

B. Additional Sources

1) Briefs and Submissions to Regulatory Agencies

These can represent an invaluable source, both for a more precise definition of the legal and policy issues involved and for a statement of the positions of the participants. Students can often obtain these by contacting the offices of the initiating party or by attending at the hearing itself. While the CRTC does have regional offices in Halifax, Montreal, Winnipeg and Vancouver, there is no office in Toronto.

2) Newspapers and Magazines

Students should examine closely the Globe and Mail, the Financial Post, the Wall Street Journal, Macleans etc. Newspapers and magazines chronicle recent developments and industry trends particuarly well. However, as the remarks accompanying the above article about AT&T indicate, it is necessary to read the articles carefully and in context to fully appreciate the implications of the event reported.

In addition to these publications produced for the general public, valuable information can be found in trade journals such as Telephony. In Search, a quarterly publication of the Department of Communications, contains articles on telecommunications matters. While the Law Library should be receiving copies by now, students can be put on the mailing list by writing to:

Information Services
Department of Communications
300 Slater Street
Ottawa

Professor Janisch has a very extensive set of newspaper clippings on all telecommunications matters. These files go back ten years and constitute a potentially valuable source for any paper in Communications Law. An examination of the published reports in a particular topic over a number of years is perhaps the best way to follow industry trends or to observe the emergence of policy.

3) Government Publications

The most obvious Government publications are the reports of the Royal Commissions and task forces that have been appointed over the past fifty years. A list of the relevant reports is set out below:

Canada: Report of the Special Committee of the Senate on Mass Media (Davey Report). 3 vols. Ottawa: Information Canada, 1970.

Canada: Department of Communications. Instant World: A Report on Telecommunications in Canada. Ottawa: Information Canada, 1971.

Quebec: Ministère des Communications. Pour une politique des communications. Quebec: Editeur Officiel du Quebec, 1971.

Canada: Department of Communications. Branching Out: Report of the Canadian Computer/Communications Task Force. 2 vols. Ottawa: Information Canada, 1972.

Canada: Minister of Communications. Proposals for a Communications Policy for Canada: a Position Paper of the Government of Canada (Green Paper). Ottawa: Information Canada, 1973.

Canada: Minister of Communications. Computer/Communications Policy: A Position Statement by the Government of Canada. (Dark Green Paper) Ottawa: Information Canada, 1973.

Canada: Minister of Communications. Communications: Some Federal Proposals, (Grey Paper). Ottawa: Information Canada, 1975.

Canada: Minister of Communications. Statement on Proposed Constitutional Amendments with Respect to Cable Distribution Systems. Ottawa: Department of Communications, February 13/ 1979.

Telecommunications and Canada, Consultative Committee on the Implications of Telecommunications for Canadian Sovereignty (Clyne Committee), Ottawa, 1979

Alberta: Public Utilities Board, Report of the Telecommunications Inquiry into the Provision of Local Non-Broadcasting Services, Edmonton, 1980.

Canada: Report of the Royal Commission on Newspapers. (Kent Report). Ottawa: Canadian Government Publications Centre, Supply and Services Canada, 1981.

Also recommended is a report by two senior French civil servants to the President of France, published in English through MIT Press. The report was a "best-seller" in France after its appearance in 1978. Simon Nora and Alain Minc, The Computerization of Society (A Report to the President of French), Cambridge, 1981.

The Department of Communications and the CRTC regularly fund studies on diverse issues. An extensive collection of DOC and CRTC sponsored reports can be found in Robarts Library. The library of the Department of Communications (see below) also contains many of the studies.

The Annual Reports of both the DOC and the CRTC, available in the Law Library, are helpful in two respects. They contain a synopsis of the organizations' activities over the past year. Further, a list of publications available through that body is usually included. This provides an initial list of materials students may wish to look at.

4) Corporate Annual Reports

More than the balance sheet (which itself may be worthwhile) is contained in the Annual Reports. The companies' reaction to recent developments and planned future areas of activity provide an indication of industry trends. Students should consider examing the Annual Reports of such organizations as Bell Telephone, B.C. Tel., N.B. Tel., CNCP Telecommunications, Mitel, Northern Telecom, etc.

5) Special Interest Groups' Publications

Many of the industry groups regularly make policy statements or submissions to regulatory agencies. These include the Canadian Association of Data Processing Service Organizations, Canadian Business Equipment Manufacturers Association, Canadian Industrial Communications Assembly, Canadian Manufacturers Association, etc.

6) Industry Spokespersons

Students are encouraged to interview spokespersons of any of the above groups. In the past they have proved more than willing to discuss the issues with knowledgeable students.

At the risk of stating the obvious, a word of caution is in order. The industry spokespersons will not write your paper for you! It is suggested that students only contact representatives after they have done their initial research and have specific policy or legal questions they wish answered.

7) Bell Telephone General Rules and Regulations

These govern the terms and conditions under which telephone equipment and service is provided. They are published in the front of your telephone book.

Week I: Overview of the Canadian Telecommunications Industry

A. The Telecommunications Industry

CRTC Facts Digest on Broadcasting and Telecommunications in Canada, CRTC, January 1982, p.14 I - 1

Restrictive Trade Practices Commission, Telecommunications in Canada: Phase I - Interconnection, Ottawa, 1981, p.10-20 I - 1

CRTC, Annual Report 1980-81, p.41 I - 13

"The 1982 Ranking of Canada's 500 Largest Companies in Industry and Finance." The Financial Post, June 1982 I - 14

Beigie, Carl E., "Present Structure of the Canadian Telecommunications Industry", from H.E. English (ed.) Telecommunications for Canada, Toronto, 1973, pp.71-2 I - 17

Brait, Richard A., The Constitutional Jurisdiction to Regulate the Provicion of Telephone Services in Canada, 13 Ottawa L. Rev. 53 (1981), pp.56-58 I - 17

CRTC, Annual Report 1980-81, p.42 I - 20

Beigie, Carl E., "Present Structure of the Canada Telecommunications Industry" from H.E. English (ed.) Telecommunications for Canada, Toronto,1973, pp.79-86 I - 21

Telesat Canada, Proposed Agreements with Trans-Canada Telephone System, Telecom Decision CRTC 77-10 August 24, 1977, 3 C.R.T. 265, pp.269-71 I - 27

Beigie, Carl E., "Government Control of Telecommunications in Canada", from H.E. English (ed.), Telecommunications for Canada, Toronto, 1973, pp.145-150 I - 29

"Bell will buy, lease equipment of rival", Globe and Mail October 30, 1979 I - 34

Globe and Mail, January 24, 1980 I - 35

Globe and Mail, December 28, 1981 I - 36

"High Tech's New Stars", Macleans February 8, 1982 I - 37

B. The Services Provided

CRTC Facts Digest on Broadcasting and Telecommunications in Canada, CRTC, January 1982, p.15 I - 42

Martin, James, *Future Development in Telecommunications* (2nd ed.), Englewood Cliffs, N.J., 1977, p.134 I - 43

Byer, Stephen, *Regulation and Its Reform*, Cambridge: Harvard University Press, 1982, pp.290-1 I - 44

Restrictive Trade Practices Commission, *Telecommunications in Canada: Phase I - Interconnection*, Ottawa, 1981, pp.21-29 I - 45

CNCP Telecommunications: Interconnection with Bell Canada, Telecom Decision CRTC 79-11, 17 August 1979, pp.11-20 I - 54

C. *Vertical Integration*

"The 1982 Ranking of Canada's 500 Largest Companies in Industry and Finance", *The Financial Post*, June 1982, pp.12, 98, 128 I - 57

Beigie, Carl E. "Present Structure of the Canada Telecommunications Industry", from H.E. ENglish (ed.) *Telecommunications for Canada*, Toronto, 1973, pp.93-99 I - 60

British Columbia Telephone Company - Proposed Acquisition of GTE Automatic Electric (Canada) Limited, Telecom Decision CRTC 79-17, 18 September 1979 I - 64

Bell Canada, *Annual Report 1981*, p.15 I - 72

"Bell Canada plans reorganization", *Globe and Mail* June 24, 1982 I - 73

Week II: Overview of the Regulation of Canadian Telecommunications

A. The Constitutional Question

Martha and Fred Fletcher, "Communications and Confederation: Jurisdiction and Beyond", from Byers, R.B. and Reford, Roberts (eds.), *Canada Challenged: The Viability of Confederation*, Toronto, 1979, pp.167-171 II - 1

Brait, Richard A., The Constitutional Jurisdiction to Regulate the Provision of Telephone Services in Canada, *13 Ottawa L. Rev.* 53 (1981), pp.63-64 II - 4

Grant, Peter S., *Communications and Public Policy in Canada* (Preliminary Edition), Toronto, 1979, pp.27-28. II - 4

Telecommunications and Canada, Consultative Committee on the Implications of Telecommunications for Canadian Sovereignty (The Clyne Committee), Ottawa: Supply and Services Canada, 1979, p.28. II - 6

B. Federal Regulation

The Canadian Radio-television and Telecommunications Commission Act, S.C. 1974-75-76, c.49. II - 8

The National Transportation Act, R.S.C. 1970, c.N-17 as amended. II - 11

The Railway Act, R.S.C. 1970, Chap.R-2 as amended. II - 13

CRTC, *Annual Report 1980-81* II - 16

Charles Dalfen, *Telecommunications and Regulation*, Proceedings of the 6th Annual Meeting, Canadian Telecommunications Carriers Association (1977) II - 23

Leonard Waverman, *The Process of Telecommunications Regulation in Canada* (Working Paper No.28), Ottawa: Economic Council of Canada, 1982, pp.53-57 II - 30

C. Provincial Regulation

Canadian Association of Members of Public Utility Tribunals (CAMPUT), Rate Making/Rate Design, 1 C.R.R. E-1 (1980), pp.E-1 - E-9 II - 34

Leonard Waverman, The Process of Telecommunications Regulation in Canada (Working Paper No.28), Ottawa: Economic Council of Canada, 1982, pp.57-80	II - 42

D. International Institutions

Canada, Department of Communications, Telecommission Study 3(a), "International Implications of Telecommunications" - Ottawa: Information Canada, 1971	II - 66

Week III: The Rationale for Regulation and Traditional Regulatory Issues

A. The Rationale for Regulation

CNCP Telecommunications, *Crisis in Canadian Telecommunications Policy and Regulation*, Toronto, May 1982, p.3 III - 1

Economic Council of Canada, *Reforming Regulation*, Ottawa, 1981, p.37 III - 2

Carl E. Beigie, *Submission of CNCP Telecommunications to the Telecommunications Inquiry into the Provision of Local Non-Broadcasting Telecommunication Services in Alberta*, 1978, pp.2-6 III - 3

A. Lapointe, *Telecommunications and Government* (Canadian Telecommunications Carriers Assoc., 6th Annual Meeting, pp.19-20) III - 7

Alfred E. Kahn, "Introduction: The Rationale of Regulation and the Proper Role of Economics", from A.E. Kahn, *The Economics of Regulation*, Volume 1, New York, 1970, pp.2-18 III - 9

Gerald W. Brock, *The Telecommunications Industry*, Harvard University Press, Cambridge, 1981, pp.9-16 III - 15

B. Rate Base and Rate of Return

Alfred E. Kahn, "The Traditional Issues in the Pricing of Public Utility Services", from A.E. Kahn, *The Economics of Regulation Volume 1*, New York, 1970, pp.20-57 III - 20

P.J. Garfield and W.F. Lovejoy, "The Rate Base" from Garfield and Lovejoy, *Public Utility Economics*, Englewood Cliffs, N.J., 1964, pp.56-65 III - 42

P.J. Garfield and W.F. Lovejoy, "Rate of Return" from Garfield and Lovejoy, *Public Utility Economics*, Englewood Cliffs, N.J., 1964, pp.114-124 III - 51

A.J. de Grandpre, Fair Return for Utilities - Concept or Reality?, 16 *McGill L.J.* 19 (1970) III - 60

Bell Canada, Increase In Rates, Telecom Decision CRTC 77-7, 1 June 1977 III - 79

British Columbia Telephone Company, Increase in Rates, Telecom Decision CRTC 77-5, 17 May 1977 III - 80

Bell Canada, General Increase in Rates, Telecom Decision CRTC 78-7, 10 August 1978 III - 80

Bell Canada, General Increase in Rates, Telecom Decision CRTC 81-15, 28 September 1981 III - 81

British Columbia Telephone Company, General Increase in Rates, Telecom Decision CRTC 82-5, 3 May 1981 III - 81

C. Advertising and Promotional Expenses

Bell Canada, Increase in Rates, Telecom Decision CRTC 78-7, 10 August 1978 III - 82

Bell Canada, General Increase in Rates, Telecom Decision CRTC 81-15, 28 September 1981 III - 82

D. Subsidiaries and Corporate Arrangements

Bell Canada, Increase in Rates, Telecom Decision CRTC 77-7, 1 June 1977, 3 C.R.T. 87, pp.101-103 III - 83

Bell Canada, General Increase in Rates, Telecom Decision CRTC 80-14, 12 August 1980 III - 85

Bell Canada, General Increase in Rates, Telecom Decision CRTC 81-15, 28 September 1982 III - 87

Bell Canada, Increase in Rates, Telecom Decision CRTC 78-7, 10 August 1978 III - 89

Bell Canada, General Increase in Rates, Telecom Decision 80-14, 12 August 1980 III - 91

Bell Canada, *Annual Report 1980-81*, p.14 III - 96

E. Access to and Quality of Service

Bell Canada Special Act of Incorporation, S.C. 1880, c.67 as am. S.C. 1902, c.41 III - 97

Bell Canada, Increase in Rates, Telecom Decision CRTC 78-7, 10 August 1978	III - 98
British Columbia Telephone Company, Increase in Rates 78-7, 10 August 1978	III - 98
Bell Canada, Increase in Rates, Telecom Decision CRTC 78-7, 10 August 1978	III - 99
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